

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 1, 4, 11, 16, 18-22, 25 and 26) is respectfully requested in view of the foregoing amendments and the following remarks.

Applicants would like to thank the Examiner for her indication that claims 4, 22, 25 and 26 are allowed and that claims 16, and 18-21 would be allowable if rewritten to overcome the rejections under 35 U.S.C § 112 and to include the limitations from the claims from which they depend.

Applicants have canceled claims 3 and 15 and amended claim 16 to overcome the objections to claim 16 listed on page two of the Office Action. Thus claims 16 and 18-21 are deemed in condition for allowance.

Applicants have amended claim 1 to make it clear that the sleeve contacts a bone contacting outer surface of the bone nail which is obviously not the case in Bramlet and to require the threading of canceled claim 3. Consequently, Applicants believe that the anticipation rejection of claim 1 under Bramlet has been overcome. Claim 11 has been amended to include the slots which are perpendicular to the transverse axis and are offset by about 90° from one another (see canceled claim 15). This structure is not shown in Sutter et al. nor any other reference cited.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicants'

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attorney at (908) 654-5000 in order to overcome any additional objections which he/she might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: March 11, 2009

Respectfully submitted,

By 

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